

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Attorney Docket No. 07452-047001) (3COM Docket No. 3372.TDC.US.P) (MBHB Case No. 01-962)

In re the Application of:	)
	) Examiner: Phuong M. Phu
Tim Murphy et al.	)
• •	) Group Art Unit: 2631
Serial No. 09/766,241	) -
,	Confirmation No. 8858
Filed: January 19, 2001	)
•	)
For: SUPERFRAME ALIGNMENT	)
TO A PRE-EXISTING ADSL	)
DATA EXCHANGE	)

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313–1450

#### **RESPONSE TO NOTICE OF ALLOWANCE**

Responsive to the Notice of Allowance mailed February 1, 2005, the Applicants submit the following Comments on the Examiner's Statement for Reasons for Allowance.

## **COMMENTS ON STATEMENTS OF REASONS FOR ALLOWNACE**

Dear Sir:

The Applicants express appreciation for the allowance of the present application.

The Applicants agree with the Examiner's reasons for allowance as far as art of record, alone and in combination, fails to show, teach, or suggest the entirety of each

combination of steps and/or structure recited by each of the allowed claims of the present

invention.

The Applicants respectfully submit that the Reasons For Allowance are only

warranted in the instances in which the record of the prosecution as a whole does not

make clear his or her reasons for allowing a claims or claims. Given the prior Office

Actions and responses, however, the Applicants believe that the record as a whole does

make the reason for allowance clear. And thus, the Applicants submit that a statement by

the Examiner is unwarranted.

Further, the Applicants do not necessarily agree with each statement in the reason

for allowance. Applicants submit that the Examiner has imported an interpretation into

the claims in relation to the prior art that places an unwarranted interpretation upon the

claims. While the Applicants believe that the claims are allowable, they do not acquiesce

that patentability resides in each feature, exactly as expressed in the claims, nor that each

feature is required for patentability.

Should the Examiner have any questions, the Examiner is encouraged to

telephone the undersigned at (312) 913-3305.

Respectfully submitted,

Dated: May 2, 2005

Robert J. Irvine

Reg. No. 41**6**65

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For: Superframe Alignment to a Pre-Existing ADSL Data Exchange	) )

### TRANSMITTAL LETTER

Mail Stop: ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In regard to the above-identified application:

- 1. We are transmitting herewith the attached
  - a. Issue Fee Transmittal Form PTOL-85B
  - b. Response to Notice of Allowance
  - c. Check in the Amount of \$1,703.00
  - d. Return Receipt Postcard
- 2. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
- 3. CERTIFICATE OF MAILING UNDER 37 CFR §1.10: The undersigned hereby certifies that this Transmittal Letter and the paper described n paragraph 1, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to Mail Stop: ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2005. Express Mail Label No.: EV 565795961 US

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: May 2, 2005

By:

Robert J. Invine III Reg. No. 41,865